



# Haryana Government Gazette

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No. 38-2021] CHANDIGARH, TUESDAY, SEPTEMBER 21, 2021 (BHADRA 30, 1943 SAKA)

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## PART – I

### Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA  
NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA, HARYANA-134109

#### Notification

The 10th September, 2021

**No. SEC/1ME/2021/3499.**— In exercise of powers vested under clause (1) of the Article 243 ZA of the Constitution of India, under the provision of section 9 of the Haryana Municipal Corporation Act, 1994 and rule 21(1) of the Haryana Municipal Corporation Election Rules, 1994 and all other powers enabling me in this behalf, I, Dhanpat Singh, State Election Commissioner, Haryana, hereby prescribe the following election programme for the conduct of bye-election for the seat of ward No. 34 of Municipal Corporation, Gurugram and Ward No. 7 of Municipal Corporation, Karnal:-

(1)	Date on which notice shall be published by the Returning Officer for inviting nominations under Rule 22.	11.09.2021 (Saturday)
(2)	Dates on which Nomination papers shall be presented and posted under Rule 21(2)(i) & (ii).	17.09.2021 (Friday) to 22.09.2021 (Wednesday) 11.00 A.M. to 03.00 P.M. (Except 19.09.2021 being Sunday)
(3)	Date on which the nomination papers shall be scrutinized under Rule 21(2)(iii).	24.09.2021 (Friday) 11.30 A.M. onwards
(4)	Last date for withdrawal of candidature under Rule 21(2)(vi).	25.09.2021 (Saturday) Between 11.00 A.M. to 3.00 P.M.
(5)	Date on which symbols shall be allotted to the contesting candidates.	25.09.2021 (Saturday) after 3.00 PM
(6)	Date on which the list of contesting candidates shall be posted under Rule 21(2)(vii).	25.09.2021 (Saturday)
(7)	Date on which list of polling stations shall be posted under Rule 21(2)(viii).	25.09.2021 (Saturday)
(8)	Date on which poll shall be held under Rule 21(2)(ix).	<b>03.10.2021 (Sunday)</b>
(9)	Timing of the poll.	Between <b>8.00 A.M.</b> to <b>4.30 P.M.</b>
(10)	Date, time and place on which the votes polled shall be counted.	Immediately after the close of poll in all the polling stations

(11)	Date on which the election result would be declared.	Immediately after the completion of counting in all the polling stations.
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2. I, Dhanpat Singh, State Election Commissioner, Haryana in exercise of powers vested under Rule 21(3) & (4) of the Haryana Municipal Corporation Election Rules, 1994, authorize the Deputy Commissioner, Gurugram and Karnal to designate Returning Officer and Assistant Returning Officer who shall be the officers of the Government for the conduct of bye-election for the seat of ward No. 34 of Municipal Corporation, Gurugram and ward No. 7 of Municipal Corporation, Karnal respectively.

3. The Returning Officer shall publish a notice of the above election programme on **11.09.2021** at his office, office of the Deputy Commissioner and Municipal Corporation and at such other conspicuous places in the area of the Municipal Corporation, as determined by him in this behalf under Rule 22 of the Haryana Municipal Corporation Election Rules, 1994. No nomination shall be filed on **19.09.2021** being Sunday. The information about the nomination papers must be hosted in the website of the Deputy Commissioner and Corporation at least by 4.00 P.M. every day, during nomination period.

4. I further direct that after the withdrawal of candidature a list of validly nominated candidates shall be prepared by the Returning Officer under Rule 29 of the Haryana Municipal Corporation Elections Rules, 1994, in Hindi and English. A list of every stage i.e. nomination received, nomination rejected, nomination withdrawal and contesting candidates etc. with every detail shall be published and posted at some conspicuous places and in the office of the Returning Officer or at the Municipal Corporation office.

5. I, under the provision of section 23A of the Haryana Municipal Corporation Act, 1994 read with Rule 50 of the Haryana Municipal Corporation Election Rules, 1994, hereby specify that the votes shall be casted by and recording of votes by voting machines [Electronic Voting Machines (EVMs)] in the bye-election of Municipal Corporation concerned.

6. It is further directed that the option "None of above (NOTA)" on EVMs/Ballot papers" shall be implemented in these Elections. The directions in this respect given in Commission's order issued under Endst. No. SEC/IME/2016/3653-3659 dated 14th December, 2016 and further modification No. SEC/IME/2018/5833-5880 dated 22.11.2018 be followed meticulously. However, the salient features of the NOTA are as under:

- (i) NOTA shall be treated as a 'Fictional Electoral Candidate' while declaring the election results.
- (ii) In case, a contesting candidate and the "Fictional Electoral Candidate" i.e. NOTA securing highest and equal number of valid votes; then the contesting candidate (not NOTA) shall be declared as elected.
- (iii) If in any election, all the contesting candidates individually receive lesser votes than the 'Fictional Electoral Candidate' i.e. NOTA, then none of the contesting candidates will be declared as elected.
- (iv) In case of situation arising under the provisions of sub-section (iii) above, fresh election shall be held for that seat. Further all such contesting candidates who secured less votes than NOTA shall not be eligible to re-file the nomination/contest the re-election.
- (v) However, if in re-election, NOTA again gets highest number of votes, then re-election will not be taken for second time and the contesting candidate securing the highest number of votes (excluding NOTA) shall be declared as elected.

The following procedure shall be followed in such circumstances,

- i) If a Returning Officer, upon completion of counting of votes but before declaration of result, finds that NOTA has received higher valid votes than all other contesting candidates individually; then he (i.e. Returning Officer) shall not declare the result for that particular seat/s and shall immediately send his report to State Election Commission.
- ii) Upon receipt of such report, the State Election Commission shall after satisfaction, declare the fresh election programme for the said seat/s.

7. The Commission further directs to print photographs of the contesting candidates on the ballot papers alongwith other particulars to be displayed on the balloting unit of EVMs and in the tender ballot papers in addition to the existing particulars. The photograph of the candidate shall be printed in the panel for the name of the candidate and appear on the right side of the name in between the name and symbol of the candidate. The size of the photograph to be printed on the ballot paper shall be 2 cm x 2.5 cm (2 cm in breadth and 2.5 cm in height). The ballot paper shall be of white colour.

**8.** It is further directed that all voters of the respective area who have been issued the Electoral Photo Identity Cards for Legislative Assembly and Lok Sabha Elections and whose Electoral Photo Identity Card Numbers have been mentioned in case of the Municipal Corporation Voters list also, shall have to produce these cards to exercise their franchise when coming to the polling stations for voting, the polling for which is scheduled to take place on **03.10.2021**. If any elector has not been issued Electoral Photo Identity Card by the Election Commission of India, he/she will have to produce any one out of the following documentary evidence to establish his/her identity:--

(i)	Driving License,
(ii)	Income Tax PAN Card,
(iii)	Service Identity Card issued to employees by Central/State Government Offices, Public Sector Undertakings, Local Bodies or other public Limited Company,
(iv)	Pass Book of accounts, having photograph, opened in a scheduled bank or post office,
(v)	Freedom Fighter Identity Card having photograph,
(vi)	SC/ST/OBC certificate having photograph, issued by competent authority,
(vii)	Certificate of Physical Handicap having photograph issued by the Competent Authority,
(viii)	Arms License having photograph,
(ix)	Job Cards with photograph issued under the National Rural Employment Guarantee Scheme,
(x)	Property documents with photographs such as Pattas, Registered Deeds etc.,
(xi)	Pension Documents such as Ex-Servicemen Pension Book/Pension Payment Order, Ex-Servicemen's Widow/Dependent Certificate, Old Age Pension Order, Widow Pension Order, with photograph,
(xii)	Health Insurance Scheme Smart Cards with Photograph,
(xiii)	Ration Cards or any other similar documents establishing the identity of the electors to the satisfaction of the Presiding Officer, having photograph.
(xiv)	Aadhar Card issued by UIDAI
(xv)	Passport

In case of an odd elector, who does not possess any of the above cards, he/she would be allowed to vote, if he/she is able to establish his/her identity to the satisfaction of the Presiding Officer and such other Polling Officer authorized by the Presiding Officer in this behalf.

**9.** It is further directed to make the following security arrangements for conduct of free, fair and peaceful election:-

- i. Adequate police personnel shall be deployed at the polling stations, counting centers for security and maintenance of law and order to ensure peaceful, smooth and fair election.
- ii. Daily law and order report shall be sent to the State Election Commission till the election process is complete.
- iii. A copy of the plan for deployment of Executive Magistrates and police personnel must also be sent to this Commission well in time.
- iv. Provide security to the contesting candidates, if they desire so.
- v. It shall be ensured that no untoward incident takes place during elections.

**10.** In order to curb undesirable and illegal activities, the Commission hereby imposes restriction to hire or procure not more than 02 vehicles or vessels by the contesting candidate for the seat of Member Municipal Corporation, whether on payment or otherwise, for use by himself or his agents or his supporters on the day of poll during the Election. It is also stated that:-

- i. The expression "Vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical powers or otherwise, and whether used for drawing other vehicle or otherwise.
- ii. The contesting candidates shall be issued permits as per proforma prescribed by the Commission appended herewith. The permits shall be issued to the contesting candidates at least 2 days before the day of poll.
- iii. The District Administration shall keep a close watch on the vehicles used by persons accompanying the contesting candidates and their supporters to prevent any likely mischief, including criminal activities such as carrying of illegal arms and weapons. If any of these vehicles, either of a contesting candidate or a private owner, is found to be involved in any such act or for carting anti-social elements with the intention to intimidate or create terror in the minds of voters, it shall be the duty of local administration

to impound such vehicles and not to release them till the process of elections is completed. In addition, accordingly action against the owner, the occupant/occupants and the candidate who is involved in such illegal activities shall also be taken as per law.

- iv. The District Administration shall launch a drive for the checking of vehicles immediately upon announcement of the elections and shall continue the drive till completion of the election process.
- v. All recognized National/State Political Parties in the state of Haryana immediately and to each contesting candidate or an agent authorized by him/her must be intimated in this respect.
- vi. Permit in this respect shall be issued in the Performa given here as under:-

#### PROFORMA

#### MUNICIPAL CORPORATION ELECTIONS, 2021

Permit No. \_\_\_\_\_

Municipal Corporation \_\_\_\_\_

Name of Candidate \_\_\_\_\_

Contesting the election of \*Mayor **or** Member from Ward No. \_\_\_\_\_

Vehicle Number \_\_\_\_\_

Returning Officer  
Seal

\*Strike out the inappropriate alternative

**11.** The Commission further directs that as per amendment carried out by the Government vide its notification dated 24.11.2020, new rule 14A has been inserted in the Haryana Municipal Corporation Election Rules, 1994. Now after issuance of programme for election of the Municipal Corporation, if any person whose name is not included in the ward wise electoral roll of concerned Municipal Corporation finally published, but his/her name exists in the relevant part of the electoral roll of the Legislative Assembly constituency, he/she may apply (in Form "A") to the Returning Officer for the inclusion of his/her name in the electoral rolls of Municipal Corporation till the last date of filing nomination. Returning Officer shall be the competent authority for inclusion of name in the electoral roll from the issuance of election programme till the last date of filing of nomination. The decision taken by the Returning Officer on such applications shall be final. If the name of any applicant has been included in the electoral roll of any ward of the concerned Municipal Corporation and he/she intends to contest the election, he/she shall be allowed to file his/her nomination. No amendment, transposition or deletion of any entry in the electoral roll shall be made and no direction for the inclusion of a name in the electoral roll of any ward shall be given, after the last date for filing of nominations for an election in that Municipal Corporation.

**12.** The Commission further directs that COVID-19 guidelines issued vide Nos.SEC/1ME/2020/2769-3068 dated 27.11.2020 and SEC/1ME/2021/1662-1973 dated 14.07.2021 shall be complied with meticulously during the bye-election of the Municipal Corporations. Some of the major guidelines to be followed at the time of polling are retreated as under:-

- 1) Mandatory sanitization of Polling Station, preferably, a day before the poll.
- 2) Every person involved on election activity and coming for casting of votes shall wear face mask.
- 3) Those electors who are not carrying a mask shall be provided masks at the entry point of polling station.
- 4) Thermal Scanning of all persons shall be made at the entry point of polling station.
- 5) Sanitizers shall be kept inside the booth at appropriate locations with clear directions for the use by voters.
- 6) Sanitizer, soap and water shall be made available at the polling station.
- 7) Hand gloves shall be provided to the voter, for signing on the voter register and pressing button of EVM for voting.
- 8) COVID-19 patients who are quarantined will be allowed to cast their vote at the last hour of the poll day at the irrespective Polling Stations, under the supervision of health authorities, strictly following COVID-19 related preventive measures. Sector Magistrates shall coordinate this in their allocated polling stations.

The concerned Deputy Commissioners are also authorized to issue any further instructions/guidelines for the safety of general public during election process by taking into account local conditions, wherever required.

13. The Commission further directs that the guidelines pertaining to **“facilitation of voters at polling stations on polling day”** issued vide No. SEC/1ME/2021/1238-1281 dated 11.06.2021 may be complied with meticulously during the bye-election of the Municipal Corporations.

14. Guidelines pertaining to **“Publication of Criminal antecedents”** issued vide No. SEC/1ME/2021/3057-3088 dated 17.08.2021 must also be complied with meticulously during the bye-election of the Municipal Corporations. Some of the major guidelines to be followed at the time of bye-election are reproduced as under:-

- (a) Candidates who have criminal cases against them- either pending or in which the candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in two newspapers (at least one Hindi and one English) having wide circulation in the concerned municipal area. The declaration is required to be published (in prescribed Format C-1) at least on three different dates from the day following the last date for withdrawal of candidatures and upto two days before the date of poll.
- (b) Candidates with criminal cases are also required to publish the above declaration on local TV channels or cable networks (If locally available) on three different dates during the above mentioned period and upto 48 hours ending with the hour fixed for conclusion of poll.
- (c) The Returning Officer shall give a written reminder (in prescribed Format C-2) about the directions given herein for publishing declaration about the criminal cases in newspapers and local TV channels or cable networks (if locally available) for wide publicity to all candidates who have criminal cases as per the declaration in items (5) and (6) of Form 1C. The candidates shall submit copies of the newspapers in which their declaration in this regard was published to the Deputy Commissioner or an officer authorized by the State Election Commission, alongwith their account of election expenses.
- (d) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them.
- (e) Recognized Political parties and registered un-recognized parties, which set up candidates with criminal cases, either pending or of past conviction, are required to publish declaration (in prescribed Format C-3) giving details in this regard on their website as well as in local TV channels or cable networks (if locally available) and at least two newspapers (one Hindi and one English) having wide circulation in the municipal area concerned.
- (f) Recognized Political parties and registered un-recognized parties, which set up candidates with criminal cases shall have to submit a report to the Deputy Commissioner concerned stating that they have fulfilled the requirements of the directions, and shall enclose paper cutting containing declaration published by the party in this respect. This shall be done within 30 days of completion of election.

15. Information pertaining to the criminal antecedents of the contesting candidates obtained in the prescribed forms alongwith nomination paper must also be hosted on the official website of district administration and the same shall remain hosted on the website till the completion of next general election of that municipal institution. The directions in this respect given in Commission's letter No. SEC/1ME/2017/1117-38 dated 2nd June, 2017 be followed meticulously.

16. The Commission further directs to bring it into the notice of all contesting candidates that the expenditure limit to be incurred by them or their authorized election agent(s) in the election of Member, Municipal Corporation is Rs. 5,50,000/- only.

17. Counting of votes polled at the election shall be taken up after the close of poll at all polling stations of the concerned Corporation. The details (Accounts) of votes polled at each polling station shall be prepared in Part-II of Form 17 by the Presiding Officer and forwarded to the Returning Officer for consolidation of counting votes on Form 8 mentioning therein the total number of valid votes polled in favour of each candidate on each polling station and declare the candidate, who is found to have obtained the largest number of votes, as elected Member from the ward.

**18.** After declaration of result of election under Rule 63, the Returning Officer shall forthwith post a copy of return (*i.e.* Form 8— Consolidation of account of the counted ballot papers) at a conspicuous place in his office and send a copy thereof to the Deputy Commissioner, who shall forward immediately but not later than three days, the name of the elected candidate to the State Election Commission, Haryana for notifying the same in the official gazette. The Deputy Commissioner shall ensure that the names and other particulars of the elected candidates should be the same as are recorded in the nomination paper.

**19.** All contesting candidates are required to maintain account of election expenditure and submit the same within 30 days from the date of declaration of the result of the election to the Deputy Commissioner or an officer authorized by the State Election Commission, failing which the defaulting candidate shall be liable to be disqualified under the provision of section 8E of the Haryana Municipal Corporation Act, 1994 and Haryana Municipal Corporation Election Expenditure (Maintenance and submission of accounts), Order, 2018, for a period of five years from the date of issue of such order. The Deputy Commissioner or an officer authorized by the State Election Commission shall check account of election expenses and send a list of contesting candidates who have filed and not filed the election expenditure statement, to the Commission within a period of 7 days from the completion of prescribed time limit of 30 days.

DHANPAT SINGH,  
State Election Commissioner, Haryana.